

# **MODEL PRISONS AND CORRECTIONAL SERVICES ACT, 2023**

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## **MODEL PRISONS AND CORRECTIONAL SERVICES ACT, 2023**

*An Act to amend the law relating to Prisons and provide for the safe custody, correction, reformation and rehabilitation of prisoners as law abiding citizens, and management of prisons and correctional services in the State/Union Territory of \_\_\_\_\_ and for matters connected therewith or incidental thereto.*

### **Preamble:**

WHEREAS, it is expedient to provide for the safe custody, correction, reformation and rehabilitation of prisoners as law abiding citizens, and management of prisons and correctional services in the State/Union Territory of \_\_\_\_\_ and for matters connected therewith or incidental thereto.

It is hereby enacted in the seventy fifth year of the Republic of India as follows -

## CHAPTER-I

### PRELIMINARY

**1. Short Title, extent and commencement** – (1) This Act may be called the Prisons and Correctional Services Act, (Year).

(2) It extends to the whole of the State/UT of \_\_\_\_\_.

(3) It shall come into force on such date as the Government may, by notification in the official Gazette, appoint and different dates may be appointed for different provisions of this Act, and any reference in any such provision to the commencement of this Act shall be construed as a reference to the coming into force of that provision.

**2. Definitions** - In this Act, unless the context otherwise requires:

- 1) After-care service means a service or activity aimed at the rehabilitation of the released prisoner for enabling him to lead life as a dutiful citizen.
- 2) Civil Prisoner means any prisoner who is not committed to custody under a writ, warrant or order of any court or authority exercising criminal jurisdiction, or by the order of a court martial and who is not a detainee.
- 3) Convict means any prisoner under sentence of a court exercising criminal jurisdiction or court martial.
- 4) Correctional Service means any service or program aimed at the reformation and rehabilitation of an inmate, and includes services related to the assessment, supervision, treatment, training, control, custody of an inmate.
- 5) Court includes any officer lawfully exercising civil, criminal or revenue jurisdiction.



- 6) Directorate means the Directorate of Prisons and Correctional Services of the State or Union Territory.
- 7) Detenue means any person detained in prison on the orders of a competent authority under any law providing for preventive detention.
- 8) Family means Spouse, children, siblings, parents, grand-parents, grandchildren, and, in the context of transgender inmates, people related through socio-religious family system.
- 9) Foreign Prisoner means any prisoner who is not a citizen of India.
- 10) Furlough means short leave granted to a convict, after undergoing a prescribed period of sentence, as an incentive for maintaining good conduct in prison.
- 11) Government means the Government of the State/Union Territory of \_\_\_\_\_.
- 12) Habitual Offender means a prisoner who is committed to prison repeatedly for a crime.
- 13) Head of the Directorate of Prisons and Correctional Services means an officer appointed by the Government to head the Directorate of Prisons and Correctional Services.
- 14) High-risk Prisoner means a prisoner with high propensity towards violence, escape, self-harm, disorderly behaviour, likely to create unrest in the prison and a threat to public order and includes those engaged in organised crime and terrorist activities.
- 15) High Security Prison means an independent self-sufficient prison complex with dynamic and strengthened security systems with provision for an independent Court complex, etc., to house convicted and undertrial inmates, who need to be kept in a high security custody area, such as persons involved in terrorist activities, gangsters, dangerous prisoners, hardened criminals, habitual offenders, prisoners with high propensity of escape, have

the potential of rioting and negatively influencing other inmates, etc.

- 16) History Ticket means the ticket, either in physical or electronic form, exhibiting all relevant information in respect of a prisoner.
- 17) Inmate means any person lawfully confined in a prison and correctional institution.
- 18) Institution means a place where prisoners are lawfully confined.
- 19) Medical Officer in relation to prisons means a qualified Government medical practitioner deputed as a medical officer of a prison.
- 20) Medical Subordinate Staff means a qualified Medical Assistant, such as Pharmacist, Nurse, Lab Technician, etc. deputed in a Prison.
- 21) Open Correctional Institution means a place for confinement of eligible prisoners on such conditions, as may be prescribed under the rules, for giving them more liberty outside a regular prison for facilitating their rehabilitation after release.
- 22) Parole means temporary release of a convict for a short period of time for attending to familial and social obligations.
- 23) Prison means any place used permanently or temporarily under general or special orders of the Government for the detention of prisoners and includes all lands and buildings appurtenant thereto, but does not include –
  - (a) any place for the confinement of prisoners who are exclusively in the custody of the police;
  - (b) any place specially appointed by the Government under Section 417 of the Code of Criminal Procedure, 1973 (2 of 1974);
  - (c) any place which has been declared by the Government by a general or special order to be a subsidiary jail.

- 24) Prison Officer means an officer belonging to the Directorate and includes officers of any other security force or any other service deployed in the prison for assisting the prison administration for the safe custody of/providing correctional services to the prisoners.
- 25) Prison Staff means an employee appointed by the Directorate, other than a prison officer, who exercises powers or performs duties or functions related to the administration of this Act or as may be assigned by the Government.
- 26) Institution for Young Offenders means a prison for young prisoners established to ensure their care, welfare and rehabilitation, to provide an environment of education and training conducive to their reformation.
- 27) Prisoner means a person committed to custody in a prison under the writ, warrant, order or sentence of a Court or a competent authority and includes convicted prisoner, civil prisoner, undertrial prisoner, prisoner remanded by a court to prison custody under the orders of a competent authority and a detainee.
- 28) Prohibited article (contraband) means any item that presents a threat to the safety or security of the prisoners, prison staff, prison institution or any object, substance, or material forbidden by the Prisons and Correctional Institutions or the Government from being in a prisoner's possession, like cell phone, a communication device, drugs or anything that can be used as a weapon or to aid in escape, such as fire arms or any of its part, explosives, knives, wire, tools, chemicals, razor blades, alcohol, matches, lighters or any article, the introduction or removal of which into or out of a prison is prohibited by this Act or by the rules framed under the Act or by any other law or by any notification of the Government.
- 29) Recidivist means any prisoner who is convicted for a crime more than once.

- 30) Remission means a concession granted to an eligible convicted prisoner by the competent authority with the prospect of early release from prison by shortening of sentence, as may be prescribed under the rules.
- 31) Rule means a rule made under this Act.
- 32) Officer-in-charge of the prison means an officer appointed by the competent authority as in-charge of a prison, namely Superintendent, Deputy Superintendent, etc.
- 33) Undertrial prisoner means a person who is not a convict and has been committed to judicial custody pending investigation by the police or trial by a court of competent jurisdiction.
- 34) Wireless Communication Device means a mobile phone, computer, tablet, laptop, palmtop or any other electronic device used for unauthorized communication using any cellular or satellite network or any other device notified by the competent authority.
- 35) Young Offender means a prisoner who has attained the age of 18 years and has not attained the age of 21 years.

## CHAPTER-II

### FUNCTIONS OF PRISONS AND CORRECTIONAL INSTITUTIONS

**3. Functions of Prisons and Correctional Institutions** –The functions of prisons shall be as follows:

- (i) to keep in safe custody, a prisoner committed to it under any writ, warrant or by the order of any court or any other competent authority;
- (ii) to take suitable measures for the safety and security of prisoners;
- (iii) to provide the prisoners with food, clothing, accommodation, other necessities and medical treatment;

- (iv) to provide correctional treatment to the prisoners with the objective of rehabilitating them in the society as law abiding citizens;
- (v) to maintain discipline in the prison in accordance with the provisions of this Act and the rules made thereunder.

### CHAPTER-III PRISON ACCOMMODATION

**4. Accommodation for Prisoners** – The Government shall provide sufficient number of prisons and correctional institutions in the State/UT for accommodating the prisoners, which may be constructed and maintained in such manner so as to comply with the requirements of this Act.

**5. Prison architecture and institutional pattern**– (1) The pattern of construction of a prison, ground space, air space, ventilation of cells, barracks, bathing places, kitchen, work-sheds, hospitals etc. shall conform to such standards and requirements, as may be prescribed under the rules.

(2) The standards of security for each prison shall be such as may be prescribed under the rules.

(3) Prisons may be designed in such a manner so as to facilitate segregation and separate lodging of various categories of prisoners and/or for attending to special needs of prisoners, such as women/transgender/persons with disabilities/persons suffering from contagious disease or mental illness or substance abuse/old and infirm prisoners, undertrial prisoners, convicted prisoners, high security prisoners, habitual/recidivist prisoners, young offenders, civil prisoners, detenues etc, as may be prescribed under the rules.

(4) The setup of prisons and correctional institutions may include accommodation and other facilities for the prison officers and other staff as per functional requirement.

(5) Wherever there is no provision of a stand-alone High Security Prison in the State/UT, high risk offenders, hardened criminals and habitual offenders shall be segregated and lodged in separate barracks or cells of the jail, which shall have a provision of keeping them away from mingling with other prison inmates, young offenders, first time offenders, etc.

(6) Such separate accommodation as referred to in sub-section (5) shall have appropriate advanced architecture, design and institutional pattern, as prescribed under the rules, for keeping inmates in a safe and secure custody.

**6. Categories of Prisons and Correctional Institutions–** (1) The Government may establish various categories of Prisons and Correctional Institutions, such as:

- (a) Central Prisons
- (b) District Prisons
- (c) Sub Prisons
- (d) Open Correctional Institutions
- (e) High Security Prisons
- (f) Exclusive Women Prisons
- (g) Institution for Young Offenders

(2) The Government may determine the number of prisons and correctional institutions of any category and the place at which these may be established.

(3) Each Central Prison/ District Prison shall have provision for a separate Ward for High-Risk Prisoners/hardened criminals/

recidivists/habitual offenders, where they may be lodged separately in cells without the scope of mingling with other inmates so as to protect other prisoners from their negative influence and radicalised thought process.

(4) Appropriate and advanced security infrastructure and procedures shall be in place for High-Risk Prisoner Ward in all Central / District Prisons. Such prisons shall also have appropriate provisions for an independent Court complex for holding court hearings/trials.

**7. Temporary accommodation for prisoners –** Whenever it appears to the Government that -

(i) the number of prisoners in a prison is greater than that can conveniently or safely be kept therein, and it is not convenient to transfer the excess number to any other prison, or

(ii) whenever due to the outbreak of any disease in any prison, or for any other reason, it is desirable to provide for temporary shelter and for the safe custody of prisoners, appropriate provision for temporary prisons may be made, in such manner as the Government may direct, for the shelter and safe custody of as many prisoners that cannot be conveniently or safely kept in a prison.

#### CHAPTER-IV

#### ORGANISATIONAL SET UP

**8. Directorate of Prisons and Correctional Services –** (1) There may be a Directorate of Prisons and Correctional Services in the State/UT, which shall be responsible for implementing the prison policies laid down by the State/UT Government, and will plan, organise, direct, coordinate and control various prisons and correctional services and matters connected therewith and incidental thereto. The Directorate shall consist

of such number of officers and staff as may be prescribed by the Government from time to time.

(2) The institutional set-up may be decided in accordance with the need and requirement of accommodating the prisoners, the inmate population, workload of prison officers and staff and the workforce may include executive, ministerial, guarding staff, correctional officers and staff, medical personnel, etc., as may be prescribed under the rules.

**9. Head of Prisons & Correctional Services** – (1) For the administration of Prisons and Correctional Services, the Government shall appoint the Head of Prisons & Correctional Services (of appropriate rank as the Government may deem fit), subject to the provisions of the Act and the rules made thereunder.

(2) The Head of Prisons & Correctional Services shall exercise powers and perform duties under this Act and other officers and staff of prisons shall work under the general supervision, control and direction of the Head of Prisons & Correctional Services.

(3) The Head of Prisons & Correctional Services shall exercise such administrative, financial and disciplinary powers as may be exercised by a Head of Department and such other powers specifically conferred upon him by the Government from time to time, as may be prescribed under the rules.

**10. Other officers of prisons** – (1) The Government may appoint as many officers as may be necessary to assist the Head of the Directorate of Prisons & Correctional Services for performing such duties as may be prescribed under the Act and the rules.

(2) For every Prison, there shall be an officer-in-charge, who may be a Superintendent, Additional Superintendent, Deputy Superintendent or



any other officer of the Prisons and Correctional Services, as prescribed under the rules.

(3) The general administrative control and management of a prison unit shall vest with the officer-in-charge and other officers and staff shall exercise or perform such duties and functions under his direction, as may be prescribed under the rules.

**11. Recruitment and Training** – (1) The qualifications, recruitment, appointment and training of the officers and staff of the Prisons shall be such as may be prescribed under the rules.

(2) Salaries and other benefits of officers and staff members may be commensurate with the work performed in a modern prisons and correctional system as may be prescribed under the rules.

(3) Every member of the prison officers and staff in the Prison shall be provided basic induction training and periodic in-service training to enable them to perform their duties efficiently and professionally.

## CHAPTER-V

### DUTIES OF PRISON OFFICERS AND STAFF

**12. Functions and duties of officer-in-charge** – (1) Subject to the provisions of the Act and the rules made thereunder or under orders and directions of the Head of Prisons and Correctional Services, the officer-in-charge of a prison shall manage the prison in all matters including admission of prisoners, security of the prison, correctional programs, allowing visitors inside the prison, expenditure, discipline, punishment and control and release of prisoners, with the aid and assistance of other subordinate officers and staff.

(2) The officer-in-charge shall be responsible for the proper upkeep of the prison and all equipments and machinery, etc. of the prison under his charge.

(3) The officer-in-charge shall be responsible for the safe custody of all documents/records, including records in electronic format, in his care, and for the money and other articles taken from prisoners, and perform such other duties and discharge such other functions as may be prescribed under the rules.

(4) Officer-in-charge of a prison shall exercise such disciplinary powers as assigned to him under the Act or as prescribed under the rules for regulation of prisoners, maintaining prison discipline and proper management of the prison, including high security Wards.

**13. Medical Officer** – There may be a medical officer for every prison. If the post of the medical officer is vacant, then the medical officer or the doctor in-charge of the Government Hospital or the resident medical officer of the District Civil Hospital may act as the medical officer of the Sub-Jailor the District or Central Prison, as the case may be.

**14. Duties of other prison officers and staff** – All other prison staff shall discharge their duties based on the functions and responsibilities assigned for various categories of prison officers and staff as prescribed under the rules.

**15. Exercise of powers of officer-in-charge and Medical Officer in their absence** – All or any of the powers and duties of an officer-in-charge or a medical officer may, in his absence, be exercised and performed by such other officer(s), as the competent authority/Head of Directorate of Prisons may prescribe, either by name or by official designation.

**16. Prison officers and staff not to have business dealings with prisoners and interest in prison contracts** – No prison officer or staff shall have any business dealings with any prisoner or any relative or friend of a prisoner, directly or indirectly, nor shall he have any business dealings with any prison/jail institution or have any interest, direct or indirect, in any contract for supply of provisions or any other article to the prison nor shall he derive any benefit, directly or indirectly, from the sale or purchase of any such provisions or articles. He shall be bound by the conduct rules of the service as may be prescribed.

**17. Staff Welfare** – The Head of Prisons & Correctional Services may establish a staff welfare wing to aid and advise the Government in the implementation of welfare measures for prison officers and staff.

## CHAPTER-VI

### USE OF TECHNOLOGY IN PRISON ADMINISTRATION

**18. Use of Technology in prison administration** – (1) The State/UT shall ensure integration and embedding of appropriate technology for the effective management and superintendence of prisons and for the safety and security of prisons and the inmates, which may include biometrics, CCTV system, scanning and detection devices, Radio Frequency Identification (RFID), video conference facilities, etc. in every prison for prisoners to attend Court hearings/trials and to provide for seamless biometric access control system for movement of inmates.

(2) The State/UT shall computerize the entire prison administration and integrate the database with the Interoperable Criminal Justice System. The State/ UT shall also develop suitable interfaces for seamless

sharing of information and facilitate the Prison & Prisoner Management System.

(3) The State/UT shall use advanced cellular jamming and cellular detection solutions in the jails to prohibit unauthorised use of cell phones by the inmates. Latest technological interventions shall be used to detect and prohibit use of cell phones and other electronic devices in prisons and its use by inmates.

(4) The State/UT may use electronic monitoring technology on prisoners under temporary release /leave from prison, by making use of inmate tracking devices.

## CHAPTER-VII

### ADMISSION, TRANSFER AND DISCHARGE OF PRISONERS

**19. Admission of prisoners –** (1) The officer in-charge of a prison shall receive and detain a person duly committed to his custody, under this Act or otherwise, by any Court or any competent authority, according to the exigency of any writ, warrant or order by which such person has been committed to the prison until such person is discharged or removed in due course of law.

(2) The officer-in-charge of a prison shall, after the execution of such writ, warrant or order or after discharge of the person committed thereby, return the same to the court by which it was issued, with a duly signed certificate, showing how the same has been executed or why the person committed thereby has been discharged from custody before execution thereof.

(3) The Officer-in-charge of a prison shall give effect to any sentence or order or warrant for the detention of any person, passed or issued by any court or competent authority, under the provisions of any law for the time being in force.

(4) Where an officer-in-charge of a prison doubts the legality of a warrant or order sent to him for execution, he shall refer the matter to the Government for confirmation.

(5) Pending a reference made under sub-section (4) above, the prisoner shall be detained in such manner and with such restrictions or mitigations, as maybe specified in the warrant or order.

(6) No person shall be admitted into a prison for detention otherwise than under the production of a lawful warrant or under any order of commitment addressed to the officer-in-charge of a prison by a Court or any other competent authority.

**20. Transfer of a prisoner to another State/UT -** (1) Where any person is confined in a prison in a State under a sentence of imprisonment or under sentence of death or in default of payment of a fine or in default of giving security for keeping peace or for maintaining good behaviour, the Government of that State may, with the mutual consent of the Government of any other State, by order, provide for the transfer of the prisoner from that prison to any prison in the other State.

(2) The transfer of any undertrial prisoner from one State to another may be done with the consent of the trial Court.

**21. Prisoners to be searched and examined on admission, exit and re-entry-** (1) Whenever a prisoner is admitted into a prison, he shall be searched and all cash, jewellery, weapons and prohibited articles or any other article which a prisoner cannot retain with him shall be taken from him and retained in safe custody of the officer-in-charge of the prison or an officer authorized by him.

Provided that a woman prisoner or a transgender prisoner shall be searched in an appropriate manner as may be prescribed under the rules.

(2) Every inmate received in a prison shall undergo such physical and biometric identification measurements in accordance with the provisions of the Criminal Procedure (Identification) Act, 2022 and any other law in force.

(3) Every such prisoner shall be examined, on the same day or not later than 24 hours, by the medical officer, who shall enter in a record, the health status of the prisoner, including any illness, present or past.

(4) Every prisoner who leaves a prison or re-enters a prison shall also undergo search and physical and biometric identification upon each such exit from or entry into Prison.

**22. Search of Prisoners** – Any prisoner shall be liable to be searched at any time for detection of any prohibited article, etc.

**23. Articles of prisoners**—All valuable articles of a prisoner, in respect whereof no order of a competent court has been made, and which, under the rules may, be brought into a prison by any prisoner or sent to the prison for the inmate's his use, shall be placed in the custody of the officer authorized by the officer-in-charge in this behalf.

**24. Admission, transfer and repatriation of foreigner prisoners**—The information of admission of a foreigner prisoner in a prison shall be sent forthwith to the Head of the Directorate of Prisons & Correctional Services and forwarded to the Ministry of External Affairs, Government of India, or any other agency as may be specified by the Central Government as may be prescribed under the rules.

CHAPTER-VIII  
CLASSIFICATION OF PRISONERS

**25. Composition of Classification and Security Assessment Committee**—A Committee may be constituted for classification and security assessment of prisoners, comprising officers of the Prisons and Correctional Services and other officers, as may be prescribed under the rules.

**26. Grounds of classification and categories**— (1) The Classification and Security Assessment Committee may classify the prisoners admitted into a prison according to their age, gender, length of sentence, safety and security requirements, physical and mental health needs, correctional needs, etc, as may be prescribed under the rules.

(2) The prisoners may be classified under the following broad categories:

- (a) Civil prisoners;
- (b) Criminal prisoners;
- (c) Convicted prisoners;
- (d) Undertrial prisoners;
- (e) Detenuess
- (f) Habitual Offenders
- (g) Recidivists

(3) The prisoners classified into different categories as above may be lodged in separate barracks/enclosures/cells with a view to protect other prisoners from negative influence and radicalised thought process of the hardened/habitual/high risk prisoners.

(4) The prisoners may also be segregated gender-wise – male, female and transgender and lodged separately.

(5) The prisoners classified in sub-section (2) above may be further classified under the following sub-categories and lodged separately:

- a. Drug addicts and alcoholic offenders;
- b. First time offenders
- c. Foreign prisoners;
- d. Old and infirm prisoners (65+ years);
- e. Prisoners suffering from infectious/chronic diseases;
- f. Prisoners suffering from mental illness
- g. Prisoners sentenced to death;
- h. High risk prisoners;
- i. Women prisoners with children;
- j. Young Offenders

(6) Dangerous and high-risk prisoners shall be accommodated in special cells or high security prisons.

(7) The officer-in-charge shall take special care and caution for ensuring safe and secure custody of high-risk prisoners, as may be specified by the Government in this behalf.

## CHAPTER-IX

### PROTECTION OF SOCIETY FROM CRIMINAL ACTIVITIES OF HIGH-RISK PRISONERS, HABITUAL OFFENDERS AND HARDENED CRIMINALS

**27. Taking appropriate measures against criminal activities of prisoners -** (1) It shall be the responsibility of the Directorate of Prisons & Correctional Services and the Police Department of the State/UT to take all appropriate measures for protecting the society from the criminal activities of high-risk prisoners, habitual offenders and hardened criminals.



(2) Based on the details of the crime committed by the inmate, available background record, history ticket, etc. inmates shall be suitably classified, assessed for their propensity and potential to negatively influence other inmates and be housed in separate barracks/cells, as may be appropriate.

(3) With a view to protecting the society and the victims, high risk prisoners, hardened criminals and habitual offenders shall not be entitled for parole, furlough, or any kind of prison leave in the normal course.

**28. Special provisions for security, intelligence gathering, surveillance and rotation of prison staff on duty -** (1) Prisons and Correctional Institutions shall ensure special watch and surveillance on such inmates for preventing organised crime and continued criminal activities while imprisoned, including gang activity, intimidating witnesses, etc.

(2) For ensuring dynamic security, preventing escapes, instances of disorder and criminal activity in prisons, appropriate provision for intelligence gathering from prisoners, careful observation, monitoring of prisoners and analysis of the relevant information may be done by the Prisons and Correctional Services in coordination with the Intelligence Wing of the State/UT Police Department.

(3) The State/UT shall ensure strengthened and effective measures for periodic search and detection of contrabands, cell phones, etc. in the cells and barracks of high risk offenders and hardened criminals and deploy advanced jamming solutions in such areas, including conduct of frequent surprise checks.

(4) The prison and other security staff deployed in such sensitive barracks and cells shall be rotated at periodic intervals to prevent any nexus and complacency in security.

(5) The release of a High-risk/Hardened/Habitual offender convict on completion of sentence or an under-trial on bail or an inmate released temporarily on parole/ furlough, etc. shall be informed to the Superintendent of Police of the concerned district, who shall keep a watch on the activities of such prisoners.

(6) The district administration shall fully secure the movement of the prisoner, in course of movement to court for judicial proceeding, to the hospital for medical treatment or any other place, as per writ, warrant or order of the competent authority, as the case may be.

**29. Use of electronic tracking devices on prisoners-** Prisoners may be granted prison leave on the condition of their willingness to wear electronic tracking devices for monitoring the movement and activities of such prisoners. Any violation by the prisoner shall attract cancellation of prison leave, in addition to disqualification from any prison leave being granted in future, as may be prescribed under the Rules.

## CHAPTER-X

### PRISON REGIMEN FOR WOMEN PRISONERS

**30. Separate accommodation for women prisoners –** (1) The Government may establish such number of exclusive prisons for women prisoners as it may consider necessary, to accommodate women prisoners. In a prison housing both women and men prisoners, women prisoners shall be kept in a separate building or a separate part of the same building, with a separate entrance, in such a manner that they do not come into contact with men prisoners. All basic facilities as provided in the prison for men may also be provided to women prisoners, along with such other facilities that meet their gender specific needs.

(2) A separate female ward in the prison hospital maybe created for women prisoners.

(3) In case of exclusive women prison and women enclosure/female ward, only women prison officials and staff shall be deputed. Male prison officials and security staff can be deployed for duties outside such prison or enclosure and can be called inside by the officer-in-charge or the officer on duty, only in case of any situation of emergency or prison offence, as may be prescribed under the rules.

(4) Women prisoners may be provided access to correctional programs and activities which take into account their gender specific needs.

**31. Pregnant Women Prisoners** – When a woman prisoner is found to be pregnant at the time of admission or later, the medical officer shall report the fact to the officer-in-charge. Necessary arrangements shall be made for providing her medical care and diet, as may be prescribed under the rules.

**32. Women prisoners with children** – (1) Women prisoners may keep their children inside the prison until the child attains the age of six years.  
(2) A child living with his mother in prison maybe provided with health-care and such other facilities, as may be prescribed under the rules.

**33. Inquiry into complaints of sexual harassment** – Any complaint or information of sexual harassment of a woman prisoner shall be acted upon without delay as per the provisions of law.

## CHAPTER-XI TRANSGENDER PRISONERS

**34. Prison Regimen for Transgender prisoners – (1)** Separate enclosures/wards for transgender prisoners, both transmen and transwomen, may be provided, as prescribed under the rules.

(2) Transgender prisoners maybe provided access to any specific health-care or psycho-social needs.

(3) Transgender prisoner may be provided access to correctional programs and activities.

## CHAPTER-XII

### CUSTODY AND SECURITY OF PRISONERS

**35. Safe custody and security of prisoners – (1)** The officer-in-charge of the prison shall be responsible to undertake effective measures for ensuring safe custody and security of prisoners. These measures may not be limited to but may include the following:

Secure walls, building gates, good lighting system, central point monitoring of prisoners, watch towers, power fencing, control of prohibited articles, system for gathering intelligence information, closed circuit televisions and other advanced gadgets and devices for guarding purposes and preventing access to prohibited articles in prisons, etc.

(2) The Head of Prisons & Correctional Services shall be empowered to transfer a prisoner to any other prison in the State/UT, as may be prescribed under the rules.

(3) On the request of the officer-in-charge, the local police authorities shall provide necessary assistance to the prison authorities, for escorting a prisoner to a court or for visit to hospital or for custody parole, etc. and for ensuring the safe custody of any prisoner who poses a special risk, including escape from prison, rioting, arson or resorting to any violent means affecting the law and order and discipline in the prison.

(4)The manner of use of restraint and force on prisoners may be regulated as prescribed under the rules.

**36. Visit to Prisoners –** (1) Prisoners may communicate with their Visitors, namely family members, relatives and friends through physical or virtual mode, under proper supervision of prison authorities. Visitors to inmates shall be verified/authenticated through biometric verification/identification.

(2) The name, address, photograph and biometric identification of each visitor to the inmate shall be entered into record as prescribed under the rules.

(3) Foreigner prisoners may communicate with their family members and consular representatives, as prescribed under the rules.

(4) Prisoners may communicate with their legal counsel, as prescribed under the rules.

**37. Search of visitors and prison officers and staff –** (1) All visitors to prisoners shall be searched in a manner as prescribed under the rules.

(2) In case any visitor refuses to get himself searched, he shall be denied admission to the prison and such decision shall be entered into record.

(3) Appropriate provisions for search of visitors who are women, transgender or persons with disabilities may be made, as prescribed under the rules.

(4) All prison officers and staff shall be searched, upon each entry to the prison and each exit from the prison.

## CHAPTER-XIII DISCIPLINE IN PRISONS

**38. Discipline in Prisons** – (1) The officer-in-charge shall have the necessary authority and will be responsible for maintaining discipline in the prison and amongst the prisoners, prison officers and staff, in accordance with the provisions of this Act and rules made thereunder.

(2) The manner of enforcing discipline in the prisons shall be such as may be prescribed under the Rules.

(3) It shall be the duty of every prisoner to obey the orders and instructions of a prison officer and to abide by the provisions of this Act and to comply with such other directions as may be prescribed under the rules.

**39. Prison Offences**—The following acts are declared as prison offences, when committed by a prisoner, namely:

- (i) wilful disobedience of any rule or regulation of the prison, as prescribed under this Act or under the rules made thereunder;
- (ii) any assault or use of force on anyone;
- (iii) deliberate and persistent use of insulting or threatening language;
- (iv) immoral or indecent or disorderly behaviour;
- (v) wilfully disabling himself from labour;
- (vi) continuously refusing to work if the prisoner has been punished with rigorous imprisonment;
- (vii) wilful idleness or negligence at work by any convict prisoner sentenced to rigorous imprisonment;
- (viii) wilful mismanagement of work by any convict prisoner sentenced to rigorous imprisonment;
- (ix) wilful damage to prison property;
- (x) tampering with or defacing history tickets, records or documents, maintained in physical or electronic form;
- (xi) receiving, possessing or transferring any prohibited article;

- (xii) wilfully making a false accusation against any prison official;
- (xiii) omitting or refusing to report, as soon as it comes to his knowledge, the occurrence of any fire, any plot or conspiracy, any attempt to escape or preparation to escape or attack on any prisoner or any other person or prison official;
- (xiv) escape or attempt to escape, conspiring to escape, or to assist in escaping;
- (xv) unauthorized use or possession of wireless communication devices and/or their ancillary components;
- (xvi) trespassing in or loitering about in the prison premises where entry may not be allowed;
- (xvii) unauthorized communication with any person outside prison;
- (xviii) pretending to be a prison official or employee of the Directorate;
- (xix) smuggling or attempting to smuggle or to have in possession any prohibited article in the prison;
- (xx) intimidating fellow prisoner(s) into making false representation against the prison officials;
- (xxi) participating in or inciting mass hunger strike or any other act of defiance or indiscipline;
- (xxii) sexual harassment or sodomy;
- (xxiii) participating in, or organizing anti-social activities like gambling;
- (xxiv) aiding or abetting the commission of any of the aforesaid offences.

**40. Punishment for Prison Offences** – The officer-in-charge, after conducting an inquiry as prescribed under this Act and the rules made thereunder, may impose any of the following punishments with respect to the prison offences indicated in section 39 above, except in such cases which constitute an offence under the Indian Penal Code, 1860 or any other special or/and local laws:

- (1) A formal warning, which means a warning personally addressed to a prisoner by the officer-in-charge and recorded in the punishment book and in the prisoner's history ticket;
- (2) Stoppage of recreational facilities, including canteen facility, up to a period of one month.
- (3) Forfeiture of remission earned for a period upto three months.
- (4) Stopping visits of all visitors for a period of not more than one month (does not include the visit of an advocate).
- (5) Separate confinement for a period not exceeding one month.

**41. Punishment for possessing or using mobile phones and other contraband—** (1) Prison inmates are forbidden from possessing or using mobile phones and other electronic communication devices in prisons. Whoever, being a prisoner or a visitor or a prison official, in contravention of any provisions of the Act or rules made thereunder, is found possessing or using such devices or introduces or removes or attempts by any means whatsoever, to introduce or remove into or from any prison or supplies or attempts to supply to any prisoner, any prohibited article, and every officer or staff of a prison who, contrary to any such rule, knowingly allows any such article to be introduced into or removed from any prison, to be possessed by any prisoner or to be supplied to any prisoner and whoever, contrary to any such rule, communicates or attempts to communicate with any prisoner, and whoever abets any offence made punishable by this section, shall, on conviction before a Magistrate, be liable to imprisonment for a term not exceeding three years, or fine not exceeding twenty five thousand rupees, or both.

(2) Whoever, being a prisoner or a visitor, or a prison official, is found in possession of, or operating or using, an electronic device or a wireless communication device or any of its ancillaries or components, or if any



such person is found to be assisting or abetting or instigating in the supply thereof, or if any such person is found to be manipulating, damaging or destroying any equipment in the prison, electronic or otherwise, shall, on conviction before a Magistrate, be liable to imprisonment for a minimum period of two years which may extend to three years or with fine not exceeding twenty-five thousand rupees or with both.

(3) The prisoner shall undergo the sentence awarded under sub-section (1) or sub-section (2) above on completion of any sentence if already undergoing.

(4) The offences mentioned in sub-sections (1) and (2) above, shall be cognizable and non-bailable.

**42. Procedure on repeated committal of a prison offence**— If any person in the prison premises is guilty of an offence against prison discipline, which by reason of his having frequently committed such offence or otherwise, in the opinion of the officer-in-charge, is not adequately punishable by the infliction of any punishment which he has the power to inflict under this Act, the officer-in-charge shall forward the case of such prisoner to the competent Magistrate having jurisdiction, together with a statement of the circumstances, and such Magistrate shall thereupon try the charge so brought against the prisoner, and upon conviction, may sentence him to imprisonment which may extend for a period up to three years. Such term shall be in addition to any other term which such prisoner may be already undergoing.

**43. Display of prison offences and penalties**—The officer-in-charge may cause to be affixed, at a conspicuous place inside the prison, a notice in English and in the vernacular language, setting forth the acts

prohibited under this Act and the penalties incurred by their commission, for the information of the prisoners and prison staff.

#### CHAPTER-XIV

##### HEALTHCARE FACILITIES

**44. Prisoners' Health Care**—All prisoners will have access to adequate, gender-responsive health care facilities as may be prescribed under the rules.

**45. Mental health – psychological assessment and treatment**– (1) The Government may, by a general or special order, direct the transfer of any prisoner with mental illness from the place of detention to any mental health establishment in the State/UT with prior permission of the Board mentioned in Sec.103 (Chapter XIII) of the Mental Healthcare Act, 2017.

(2) The method, modalities and procedure by which transfer of a prisoner under this section is to be effected shall be such as may be prescribed under the rules.

#### CHAPTER-XV

##### WELFARE PROGRAMS FOR PRISONERS

**46. Vocational Training, Skill Development, Education and Recreation facilities**– (1) The prisoners may be provided appropriate opportunity for enhancing their educational qualification, including making provision for library facilities in a prison, as may be prescribed under the rules.

(2) Vocational training and skill development programs may be provided to prisoners as part of prison correctional programs. These programs

may be diverse in nature to facilitate rehabilitation of the prisoners, as prescribed under the rules.

(3) The officer-in-charge may organize spiritual, cultural, and recreational programs, etc. for the prisoners, as may be prescribed under the rules.

(4) The Government may frame a scheme which may be called the Prisoners Welfare Fund for the welfare of the prisoners in the State.

**47. Establishment of Canteens and Sales Outlets**—Canteens and Sales Outlets may be established in a prison for the sale of products, including jail products to the prisoners, prison staff and the public, as may be prescribed under the rules.

## CHAPTER-XVI SENTENCE PLANNING

**48. Individual Sentence Planning** – (1) A sentence plan setting out the program of treatment may be prepared by the officer-in-charge, which will help in the prisoner's rehabilitation and social reintegration, as may be prescribed under the rules.

(2) The individual sentence plans may be updated and recorded in the prisoner files on periodic basis

**49. Work programme and wages** – (1) Every prisoner, including undertrial prisoner or civil prisoner or prisoner sentenced to simple imprisonment, while in custody, may be provided the opportunity of work, if available, and be paid commensurate wages, as prescribed under the rules.

(2) The record of wages earned and spent by any inmate, particulars of deferred wages and matters incidental thereto shall be maintained by the officer-in-charge.

## CHAPTER-XVII

### OPEN AND SEMI OPEN CORRECTIONAL INSTITUTIONS

**50. Open and semi open Correctional Institutions** – (1) The Government may establish and maintain as many open and semi-open correctional institutions for prisoners, as may be required.

(2) The Government may allow such facilities or concessions in such open or semi-open correctional institution which may assist the prisoner in his rehabilitation into the society, as may be prescribed under the rules.

(3) The rules for management of open or semi-open institutions, including the procedure and eligibility of prisoners who can be transferred to such correctional institutions, dealing with prisoners who violate any condition of transfer to an open or semi open correctional institution, etc. shall be such as may be prescribed by the Government.

## CHAPTER-XVIII

### PRISON LEAVE, REMISSION AND PRE-MATURE RELEASE

**51. Parole and Furlough** - (1) Prison leave may be granted to eligible convicted prisoners as an incentive for good behaviour and responsiveness to correctional treatment with the objective of their rehabilitation, as may be prescribed under the rules.

(2) There may be the following types of prison leave, namely:

- a) Regular Parole
- b) Emergency Parole

c) Furlough

(3) Regular Parole may be granted to eligible convicts by the competent authority under such conditions and for such purposes as may be prescribed under the rules. The period spent on regular parole may not exceed thirty days at a time and may not be granted more than two times in a year. The period spent on regular parole shall not be counted as part of sentence.

(4) Emergency Parole may be granted by the competent authority to eligible convicts in rare or emergent situations, under police protection for a period extending upto 48 hours, as prescribed under the rules. The period spent under this parole shall be counted towards part of sentence.

(5) Furlough may be granted to eligible convicts by the competent authority, as an incentive for maintaining good conduct and discipline in the prison after the completion of three years of incarceration for a period not more than 14 days in a year. The period spent on furlough shall be counted as part of sentence served by the prisoner.

(6) For prisoners governed by any of the laws relating to the Armed Forces of the Union, the grant of leave shall be subject to the provisions of those laws.

(7) For public safety and preventing parole jumping, prisoners may be granted prison leave on the condition of their willingness to wear electronic tracking devices for monitoring the movement and activity of such prisoners. Any violation by the prisoner shall attract cancellation of prison leave, in addition to disqualification from any prison leave being granted in future, as may be prescribed under the Rules.

(8) If a prisoner on parole or furlough fails to surrender on the due date, upon intimation by the officer-in-charge of the Prison, the police shall arrest the prisoner under the provisions of section 224 of the Indian Penal Code 1860 and take action as per the provisions of law.

**52. Remission to prisoners** – (1) Subject to the overall good behaviour and conduct of a convicted prisoner while serving the sentence, remission may be granted by the competent authority, as may be prescribed under the rules.

(2) The period and criteria of granting remission shall be such as may be prescribed under the rules.

**53. Pre-mature release** – Pre-mature release may be allowed to a prisoner by the competent authority with the objective of his rehabilitation and reintegration into the society. The Government may constitute a Sentence Review Board for considering and recommending cases for premature release of a convicted prisoner in appropriate cases under the provisions of the Code of Criminal Procedure, 1973 (2 of 1974), as prescribed under the rules.

#### CHAPTER-XIX INSPECTION OF PRISONS

**54. Inspection of Prisons**– (1) There may be a two-fold system for inspections of prisons:

(a) Inspection conducted by senior prison officers –The Head of Prisons & Correctional Services may have a prison inspected by an officer of appropriate rank at periodic intervals, as may be prescribed under the rules; and

(b) Inspections conducted by the Board of Visitors – Board of Visitors may be headed by the District Judge/Additional District Judge/Sub divisional Judicial Magistrate, as the case may be, and may comprise of such other official and non-official members for carrying out such functions, as may be prescribed under the rules.

(2) Every inspection shall be followed by a written report to the officer-in-charge of the Prison and to the Head of the Directorate of Prisons & Correctional Services.

## CHAPTER-XX

### AFTER-CARE AND REHABILITATION SERVICES

**55. After-Care and Rehabilitation Services**—The Government may endeavour to provide after-care services to all needy prisoners released from a prison with a view to ensuring their rehabilitation and reintegration into the society.

## CHAPTER-XXI

### MISCELLANEOUS

**56. Legal Aid** – The Government may provide the facility of free legal aid to the prisoners in accordance with the provisions of 'the Legal Services Authorities Act, 1987' and the Standard Operating Procedure prescribed by National Legal Services Authority/State Legal Services Authority/ District Legal Services Authority or as may be prescribed under the rules.

### **57. Constitution of Under Trial Review Committee for every district**

– (1) There shall be an Under Trial Review Committee for every district, headed by the District and Sessions Judge, and comprising of such other members and for carrying out such functions, as may be prescribed under the rules.

(2) The Committee shall meet periodically and review the cases of eligible prisoners in all prisons of the district, and make appropriate recommendations.

**58. Report on the death of a prisoner** – On the death of any prisoner, the Medical Officer shall forthwith record all relevant details and particulars of the case, as may be prescribed under the rules, and send the report to the officer-in-charge of the prison and the Head of Prisons and Correctional Services.

**59. Grievance Redressal Mechanism** – There may be an appropriate mechanism for redressal of the grievances of the prisoners and prison staff, as may be prescribed under the rules.

**60. Utilisation of services of prisoners** – The officer-in-charge may utilize the services of prisoners in accordance with the rules for the day-to-day administration and management of the prisons, as may be prescribed.

**61. Prohibition of strike and agitation** – No prisoner, visitor or any person employed in the prison, shall have any right to strike or start or continue any agitation inside the prison for achieving any request or demand.

**62. Emergency** – The officer-in-charge shall, as may be prescribed under the rules, take all appropriate measures, including the procurement of necessary equipments and preparation of a contingency plan, for preventing and controlling any emergency situation in the prisons, including ensuring availability of Quick Reaction Team, etc. and any other provision in conformity with the Disaster Management Act, 2005 or any other relevant Act and orders or instructions issued by any competent authority.



**63. Extramural Custody, control and employment of prisoners** – A prisoner, when being taken to or from any prison, in which he may be lawfully confined, or to a court for production or to a hospital for medical treatment, or whenever he is working outside or is otherwise beyond the limits of any such prison in or under the lawful custody or control of a prison officer belonging to such prison, or any other officer deployed for such duty, shall be deemed to be in prison and shall be subject to all directions and discipline, as if he were actually in prison.

**64. Prison Development Board** – (1) The State/UT may set up a Prison Development Board with the objective of modernizing prison infrastructure and facilities for better prison management, correctional and reformatory activities for prisoners and welfare of the prison staff.  
(2) The composition of such Board, its responsibilities, and manner of governance etc., shall be such as may be prescribed under the rules.

**65. Delegation of Powers** – Any of the powers conferred by this Act may be exercised and performed by such officers as the Government may designate in this regard.

**66. Accounts and Audit**–The accounts of every prison shall be maintained and audited in such manner as may be prescribed by the Government.

**67. Protection of action taken in good faith** – No suit, prosecution or other legal proceeding shall lie against the Government or any functionary of the Government in respect of anything which is done or intended to be done in good faith in pursuance of this Act or the rules made or orders or directions issued thereunder.

**68. Powers of the Government to make rules** - The Government may, by notification in the official Gazette, make rules consistent with this Act.

**69. Repeal and Saving** – (1) The Prisons Act, 1894 (9 of 1894), The Prisoners Act, 1900 (3 of 1900) and Transfer of Prisoners Act, 1950 (29 of 1950) as applicable to the State of \_\_\_\_\_, are hereby repealed.

(2) Notwithstanding this Act, all the rules, regulations, orders, directions, notifications relating to prisons made under these Acts and in force immediately before the commencement of this Act shall, except where and so far, as they are inconsistent with or repugnant to the provisions of this Act, continue to be in force until altered, amended or repealed by rules made under this Act.

**70. Power to remove difficulties** – (1) If any difficulty arises in giving effect to any of the provisions of this Act, the Government may, by order published in the Official Gazette, make such provisions or take such measures, not inconsistent with the provisions of this Act, as may appear to be necessary or expedient for removing the difficulty.

(2) The Government may make an order under sub-section (1) to have effect from any date not earlier than the date of commencement of this Act.

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